

To: R2 EPA NY NJ PR VI (EPA Staff)[R2_EPA_NY_NJ_PR_VI_EPA_Staff@epa.gov]
From: Shore, Berry
Sent: Mon 8/10/2015 1:20:06 PM
Subject: Early Morning Clips

Braddock Bay restoration project gets federal funding

By Meaghan M. McDermott

9:24 a.m. EDT August 8, 2015

Rochester Democrat and Chronicle

A project to restore habitats and a barrier beach to Braddock Bay in Greece is getting \$9.5 million in funding from the U.S. Environmental Protection Agency.

U.S. Sen. Charles Schumer, a proponent of the plan, will visit the Braddock Bay Marina at 10 a.m. Monday to announce the funding. He previously secured \$575,000 to pay for the U.S. Army Corps of Engineers to design the restoration project.

The corps presented a final version of the restoration plan to the community in May.

The project seeks to reduce erosion and improve habitat diversity in the bay's marsh areas, which are currently dominated by invasive cattail.

According to the agency, more than 100 acres of the original coastal emergent wetlands in the bay have been lost since the early 1900s, largely due to the loss of barrier beaches and land spits that protected the bay from wave energy.

Key components of the plan include: excavating channels and potholes into the cattail marsh; removing invasive plants; and construction of a 2.55 acre artificial headland beach with a 2,600-foot breakwater.

The beach and breakwater are designed to reduce wave energy in the bay and block sediment from entering the water body and becoming trapped within.

The plan also aims to restore breeding and living grounds for birds, fish and other native wildlife.

In recent years, sediment entering the bay has partly blocked the navigation channel and made much of the bay too shallow for boaters.

The Braddock Bay area, one of the largest coastal wetland ecosystems in the state, is part of the Rochester Embayment — lakefront between Bogus Point in Parma and Nine Mile Point in Webster — that is considered an "area of concern" by the EPA. It's designated as such due to the degradation of its wildlife habitats and pollution. According to the Army Corps of Engineers, their project would restore and protect 340 acres of coastal wetlands in the bay.

MCDERMOT@DemocratandChronicle.com

N.Y. could beat US carbon-cutting deadline by a decade

By Jon Campbell, jcampbell1@gannett.com

4:55 p.m. EDT August 9, 2015

Rochester Democrat and Chronicle

The Cayuga Power Plant in Lansing, shown in August, 2014.(Photo: FILE PHOTO)

13 CONNECT [11 TWEET](#) [1 LINKEDIN](#) [COMMENT](#) [EMAIL](#) [MORE](#)

ALBANY — New York won't have much extra work to do to meet President Barack Obama's mandated cut in carbon emissions from power plants.

The state is on track to meet the mandate -- which calls for a 32 percent nationwide cut -- more than a decade before the federal Clean Power Plan's 2030 deadline, boosted in

large part by its own, more-aggressive goals laid out in an update to the New York State Energy Plan earlier this year.

In late June, the state committed to three major energy benchmarks for the next 15 years: reducing all greenhouse-gas emissions by 40 percent from 1990 levels, decreasing energy consumption in buildings by 23 percent from 2012 levels and making sure half of the state's energy is produced from renewable sources.

While environmental groups and federal officials have lauded New York for being ahead of most other states, some say there's more work to be done and key decisions to be made, particularly when it comes to the future of aging, fossil-fuel-based power plants and the massive Indian Point nuclear facility in Westchester County.

Judith Enck, regional administrator for the U.S. Environmental Protection Agency, said the federal and state energy plans are "complementary," but she said the state can always do more to shift toward renewable energy.

"I think New York is in a pretty good spot because they have made investments in efficiency and renewables, but there's certainly more to do, especially recognizing the incredible challenge that we face with the warming planet," she said.

The Obama administration's plan, carried out in a set of regulations finalized last week, calls for the nationwide reduction in carbon emissions from 2005 levels.

New York's share is less than the national average, with the EPA requiring a 20 percent cut from the state by 2030. The rate is measured by pounds of carbon per net megawatt hour of electricity produced, with New York at 1,140 in 2012.

Under the federal plan, the state will have to cut back to 918 pounds per net megawatt hour over the next 15 years. As it stands, New York is already projected to be well below that figure a decade earlier -- to 902 by 2020, according to the EPA.

John Rhodes, president and CEO of the New York State Energy Research Development Authority, said the state's energy plan "goes beyond" the focus of the federal Clean Power Plan.

While the federal plan hones in on power plants, the state's energy plan also looks at other sectors -- such as heating buildings and the transportation industry -- to boost energy efficiency.

"The state's goals in the state energy plan, I think they are nation-leading in terms of clean energy and achieving affordability and resilience for all New Yorkers," said Rhodes, who was appointed by Gov. Andrew Cuomo. "We expect to exceed the (federal) Clean Power Plan with the agenda that we're putting forward in this state under the state energy plan."

New York's energy plan is the culmination of a number of the state's power-related initiatives, including efforts to improve the state's much-maligned transmission lines and shift from the mega-power-plants that have been a hallmark of the state's power grid.

The goals set in this year's plan -- the state is required to update it every five years -- are meant to put the state closer to its ultimate benchmark set in 2009: an 80 percent cut to 1990 greenhouse-gas-emission levels by 2050.

The major piece of New York's greenhouse-gas-cutting repertoire has been the Regional Greenhouse Gas Initiative, or RGGI, which launched seven years ago.

New York is the largest state in the nine-state cooperative effort, which caps each state's annual carbon emissions and requires power plants to purchase pollution allowances at auction, with the money supposed to be reserved for clean-energy projects in each state.

While the state is easily on pace to meet the federal standards, questions remain about several aging plants in New York, including the Cayuga Power Plant in Lansing, Tompkins County, which is one of the largest taxpayers in the town, county and school district.

Industry, States Set to Fight EPA Greenhouse Gas Rules Lawsuits would challenge rules requiring significant cuts in power-plant carbon emissions

By Brent Kendall and Amy Harder

Aug. 9, 2015 7:47 p.m. ET

Wall St. Journal

WASHINGTON—Industry representatives and a group of state attorneys general are preparing to file lawsuits soon to challenge Obama administration rules requiring significant cuts in power-plant carbon emissions.

The move, expected in the coming weeks, would open up a legal battle by contesting the authority of the Environmental Protection Agency on a wide range of grounds, some of them little explored by the courts.

The EPA issued the regulations last week under a seldom-used section of the Clean Air Act. The agency also is confronting a legislative oddity from 1990, when Congress updated the clean-air law but inadvertently enacted differently worded House and Senate amendments that are relevant to the EPA's carbon rules. How courts interpret the amendments could determine whether the administration's power-plant rules survive.

Additional legal challenges will focus on whether the agency exceeded its powers by pushing utilities to shift to cleaner forms of energy instead of just focusing on pollution controls at fossil-fuel-fired power plants.

"There are definitely novel issues in this case," said Tim Profeta, director of Duke University's Nicholas Institute for Environmental Policy Solutions.

The paucity of legal precedent on the Clean Air Act provision behind the carbon rules, known as Section 111(d), has some upside for the EPA, giving it flexibility to be creative with power-plant oversight, Mr. Profeta said. "The challenge, of course, is [that] without decades of precedent there is some question about how courts will apply it. It's a two-edged sword," he said.

The EPA rules, in the works since 2013 and the cornerstone of President Barack Obama's climate agenda, call for a 32% cut in power-plant carbon emissions by 2030 based on emissions levels of 2005.

"The legal foundation for this rule is laid out in great detail, we have responded to comments in a transparent way and we are confident that it is consistent with the law," EPA spokeswoman Melissa Harrison said.

The EPA has used the law's 111(d) provision only a handful of times since it was enacted in 1970, and never for a pollutant on the scale of carbon dioxide. The EPA in the regulations said lawmakers meant the provision to fill gaps in other clean air programs by covering "a wide range of air pollutants—including ones that Congress may not have been aware of at the time it enacted the provision."

Challengers say Congress never intended the provision—which requires states to devise pollution-reduction plans—as a sweeping grant of power to the EPA.

“We believe in this final rule the EPA is trying to convert itself from an environmental regulator to a central planning authority of states’ energy economies,” said West Virginia Attorney General Patrick Morrisey, whose office is leading a coalition of states that plan to challenge the rules in court.

Mr. Morrisey said he hopes to persuade 20 or more states to join the coming lawsuit, and anticipates filing related litigation challenging concurrent EPA rules for future power plants. He also said the state was working with coal miners and business allies that also are planning lawsuits.

Another group of states, led by New York and Massachusetts, support the regulations and pledged to back the EPA in court.

The differing House and Senate amendments from 1990, which address potential double regulation, could be crucial to the case. Challengers say the amendments mean the EPA’s carbon rules are barred because the agency already regulated power plants under a different section of the law for different pollutants.

The EPA disagrees and says the amendments mean the exclusion doesn’t apply when the agency is regulating a different pollutant than what it regulated previously.

The EPA’s final rules included some changes from the original 2014 proposal that could help it defend against certain lines of attack.

For example, the agency removed a component focusing on energy efficiency in homes and businesses from its formula on targeted emission reductions. Utilities had

expressed concern, telling the EPA they can't control how efficient customers are with their electricity. The agency acknowledged in the final rule that the energy-efficiency component didn't fit within its traditional implementation of the Clean Air Act.

"It's fair to say that was a place that would have attracted a lot of legal fire," said Sean Donahue, a Washington, D.C., environmental lawyer who has been working with the Environmental Defense Fund to support EPA's position in court.

An early test will come when challengers ask a court to block implementation of the carbon rules while the litigation proceeds. Courts consider several factors when deciding whether to grant such requests, including whether the challengers are likely to win and whether they will be irreparably harmed if the rules go into effect during the court battle.

The EPA's supporters point out the agency gave states two extra years to comply, undermining the case for a stay.

Mr. Morrissey, the West Virginia attorney general, said states need a stay because they are required to begin developing plans now for cutting emissions.

Challenges to the EPA regulations go straight to the U.S. Court of Appeals for the District of Columbia Circuit, a court that regularly reviews government regulations. A final legal decision, possibly after appeals to the Supreme Court, could come after Mr. Obama leaves office.

In the run-up to the legal battle there have been some twists that could factor into the case. One came when the Supreme Court in June upheld the legality of nationwide health insurance subsidies. While the Obama administration won the case, the court declined to give deference to the administration's interpretation of an ambiguous provision in the Affordable Care Act.

Lawyers close to the power-plant case believe challengers will try to use the ruling to

convince judges they don't owe deference to the EPA, at least on how to interpret the House and Senate amendments.

The Obama EPA for several years built a winning streak in the courts, including on its earlier rules limiting greenhouse-gas emissions from automobiles. The agency, however, recently has suffered two notable setbacks.

The Supreme Court in June ordered the EPA to reconsider rules requiring power plants to cut mercury emissions, because the agency didn't properly consider the cost. And last year, the high court faulted the EPA for claiming power under a greenhouse-gas permitting program to regulate small emitters in the future, a ruling challengers plan to cite in the new case.

"Over the past six years, the courts have upheld the EPA's air rules far more often than not," said the EPA's Ms. Harrison. She also said a 2011 Supreme Court ruling made clear the agency had authority under another section of the Clean Air Act to limit carbon pollution from facilities like power plants.

Write to Brent Kendall at brent.kendall@wsj.com and Amy Harder at amy.harder@wsj.com

EPA deal with Port Authority & terminal operators cuts air pollution from idling trucks

August 10, 2015

NJTODAY.NET's

The U.S. Environmental Protection Agency announced agreements with the Port Authority of New York & New Jersey and port terminal operators that will cut harmful air pollution from trucks idling in Elizabeth and surrounding areas.

Under the agreements, the Port Authority, APM Terminals North America, Maher Terminals and Port Newark Container Terminals will reduce truck idling at the port of Newark and take other actions to reduce harmful air pollution from diesel exhaust.

The Port Authority's actions will include providing funding for truck owner-operators to replace their old trucks serving the port with newer, less-polluting trucks, and placing anti-idling signs on port roadways.

The Port Authority will also provide funding up to \$1.5 million, if approved by its Board of Commissioners, for terminal operators who connect their cargo handling equipment to alternative sources of power such as electricity. In addition, the Port Authority will assist the truck operators to create a system to manage truck traffic to further reduce air pollution.

"Diesel pollution from idling trucks can make people sick and damage the environment. It is imperative that trucks, especially in heavily congested port areas, reduce idling," said Judith Enck, EPA Regional Administrator. "The children of Newark suffer from asthma at a rate three times higher than the state average. These agreements should help relieve the burden."

The terminal operators will provide anti-idling instructions at gate entrances, install anti idling signs, and undertake a variety of additional driver education efforts to reduce idling. The three major terminal operators also will provide a total of \$600,000 to the City of Newark, to be used to pay for green infrastructure projects in areas that are most impacts by air pollution from port operations.

These projects may include vegetative barriers, plantings, and landscaping. The Newark metropolitan area has unhealthy air that does not meet air quality standards for smog. Smog and diesel exhaust particles pose serious health risks, including aggravating the symptoms of asthma and other respiratory problems.

Under New Jersey state law, diesel-powered motor vehicles are generally prohibited from idling for more than three consecutive minutes when they are not in motion.

The EPA appreciates the valuable support provided in this instance by the U.S.

Attorney's Office for the District of New Jersey and the Environment and Natural Resources Division of the U.S. Department of Justice.

As part of President Obama's Climate Action Plan, the EPA also recently proposed new fuel efficiency rules for heavy-duty trucks; took the first step toward cutting harmful airplane emissions; is tackling methane emissions from new oil and gas operations, and is releasing Clean Power Plan regulations this summer to cut carbon emissions from this country's fossil fuel power plants

Invasive species heading toward Oneida Lake

By Amy Neff Roth

Posted Aug. 9, 2015 at 7:30 AM

UticaOD.com

The invasive species fanwort is heading down the west branch of Fish Creek toward Oneida Lake.

The aquatic invasive plant, which can make boating and swimming difficult or impossible, is starting to spread from Kasoag Lake near Williamstown in Oswego County into the northern portions of the west branch of Fish Creek, which eventually flows into Oneida Lake. From there, the plant could potentially spread to Lake Ontario some day.

"It's not going to happen next year, but if it isn't taken care of, the fanwort is just growing at an unbelievable rate," said Mary Augustus, a board member for the Lake Kasoag Association. "We started off with a small patch of it, I'd say we noticed it maybe four years ago. And it looked like a pretty, fluorescent green plant and no one thought anything of it. And now it's covered almost every inch of the lake."

There now are sections of the lake where the fanwort grows particularly thick and no one boats for fear of fragmenting and further spreading the plant.

The lake association is trying to find the resources to stop the fanwort. It wasn't able to find grant money this year. It raised money for an herbicide application, but the permit from the state Department of Environmental Conservation hit a snag and arrived too late for an application this year, Augustus said.

A hand pull of the fanwort by about 40 volunteers in kayaks was canceled after an hour and a half when it became obvious it was just as likely to spread the plant by fragmenting it as it was to eradicate it, she said.

Similar situations are playing out on lakes across the state.

"Right now, there's numerous efforts for numerous species all over the state," said Rob Williams, invasive species program coordinator for the St. Lawrence Eastern Lake Ontario Partnership for Regional Invasive Species Management.

There probably have been 30 or 40 hand pulls for water chestnut, which Williams said is probably more invasive than fanwort.

Unlike many invasive species, fanwort is not foreign; it's native to the southeastern United States, Williams said. It's already been reported as well established in at least a dozen locations across the state, he said. Invasive species control works best before species are well established; otherwise the effort is about control, not eradication, he said.

The lake association is hoping that by applying herbicide next spring, it can still wipe out the fanwort on the lake and maybe even what's spread to Fish Creek, Augustus said.

Follow @OD_Roth on Twitter or call her at 792-5166.

EPA: Pollution from mine spill much worse than fearedThe (Farmington, N.M.)
Daily Times 7:45 a.m. EDT August 10, 2015

FARMINGTON, N.M. — Officials from the Environmental Protection Agency said Sunday that The mine continues to discharge 500 gallons per minute, EPA Region 8 administrator Shaun McGrath said in a teleconference call Sunday afternoon, but the polluted water is being contained and treated in two ponds by the site of the spill near Silverton, Colo.

According to preliminary testing data the EPA released Sunday, arsenic levels in the Durango area of the Animas River were, at their peak, 300 times the normal level, and lead was 3,500 times the normal level. Officials said those levels have dropped significantly since the plume moved through the area.

Both metals pose a significant danger to humans at high levels of concentration.

"Yes, those numbers are high and they seem scary," said Deborah McKean, chief of the Region 8 Toxicology and Human Health and Risk Assessment. "But it's not just a matter of toxicity of the

She said the period of time those concentrations remain in one area is short.

Earlier Sunday the city of Durango, Colo., and La Plata County, Colo., declared a state of emergency. The Navajo Nation Commission on Emergency Management also issued a state of emergency declaration in response to the spill.

EPA officials said in the teleconference Sunday afternoon that water quality experts have been deployed to Shiprock and are encouraging people there to take advantage of water quality sampling.

EPA officials said they are also working to provide necessary materials to people in Farmington and Aztec for private well sampling.

New Mexico Environment Department spokeswoman Allison Scott-Majure said testing has not yet been performed in San Juan County.

In San Juan County, restrictions are still in effect along the Animas River, said County Executive Officer Kim Carpenter. The biggest obstacle, he said, is making sure residents and livestock have access to drinking water.

Onlookers view the Animas River from a bridge as orange sludge from a mine spill upstream flows past Berg Park in Farmington, N.M., Aug. 8, 2015. About 1 million gallons of wastewater from Colorado's Gold King Mine began spilling into the Animas River on Wednesday when a cleanup crew supervised by the Environmental Protection Agency accidentally breached a debris dam that had formed inside the mine. The mine has been inactive since 1923. (Photo: Alexa Rogals, The (Farmington, N.M.) Daily Times)

Access to the Animas River is still closed throughout the county, and officials advise residents with wells in floodplains to have their water tested before drinking it or bathing in it.

Carpenter said people and their pets should avoid contact with the river, livestock should not be allowed to drink the water and people should not catch fish in the river. He also instructed people to avoid contact with the wildlife along the river in Berg Park, as information on the chemicals in the water is still being released.

In Sunday's teleconference, McGrath said the EPA is looking at the next steps for cleaning up the site.

"We're working to see if we can get this on the National Priorities List for designation as a SuperFund cleanup site," McGrath said.[Close](#)

He qualified the statement a moment later, saying, "It's one option that can be considered."

According to the EPA's website for the Upper Animas Mining District, environmental officials considered adding the Upper Cement Creek area to the National Priorities List in 2008, but decided against it due to a lack of community support.

Such a designation would establish the area as an abandoned hazardous waste site and unlock federal funds to implement a comprehensive cleanup plan.

As the city of Durango, Colo., and La Plata County, Colo., declared a state of emergency early Sunday, La Plata County Manager Joe Kerby said the decision stemmed from the "serious nature of the incident."

Later in the day, the Navajo Nation Commission on Emergency Management issued a state of emergency declaration in response to the spill.

Rick Abasta, spokesman for President Russell Begaye, said the commission unanimously approved the state of emergency Sunday afternoon and it now goes before the president for approval. The declaration allows using tribal resources for an incident command center in the Shiprock Chapter.

Abasta said Begaye and Vice President Jonathan Nez toured the Gold King Mine Sunday. He said Abasta was likely to sign it.

At 27,000 square miles, the Navajo Nation is comparable in size to West Virginia. Begaye told the Daily Times that he had directed Navajo Nation Attorney General Ethel Branch to assemble a legal team to file a lawsuit against the EPA.

"They are impacting the livelihood of our people," he said.

Begaye said he was disappointed with the EPA's lack of information and disclosure about the types of toxic metals that were discharged into the Animas and San Juan rivers.

Navajo Nation Council Speaker LoRenzo Bates told the Daily Times that residents were concerned about drinking water safety, river access, water for livestock and crops, and the possibility of compensation for failed crops. With irrigation canals shut off, many farmers are concerned about their next step, Bates said.

People kayak in the Animas River near Durango, Colo.,

People kayak in the Animas River near Durango, Colo., Aug. 6, 2015, in water colored from a mine waste spill. (Photo: Jerry McBride, AP)

"If these farmers don't get water in the next week, they'll lose their crops," he said.

The Navajo Tribal Utility Authority (NTUA) warned residents to stay away from the river and to refrain from using its water for livestock and other household needs. But it said communities along the San Juan River get their drinking water from the city of Farmington, so it is safe for consumption.

Mustard-colored water flowed this week into Cement Creek, a tributary that runs through Silverton and into the Animas River. In New Mexico, the plume of pollution entered Aztec early Saturday morning and Farmington later that morning. Officials said they expected it to reach the Utah border on Monday and Lake Powell, in Arizona, late Wednesday.

New Mexico Gov. Susana Martinez said the state's first notification of the spill came from Southern Ute Tribe officials. "It's completely irresponsible for the EPA not to have informed New Mexico immediately," she said after flying over the affected rivers.

State Environment Secretary Ryan Flynn said the EPA did not notify his department of the spill until almost 24 hours after they'd caused it. He said the agency's initial response to the disaster was "cavalier and irresponsible."

Contributing: Greg Toppo, USA TODAY; KUSA-TV, Denver

Thousands of Mines With Toxic Water Lie Under the West

By THE ASSOCIATED PRESS

AUG. 9, 2015, 12:58 P.M. E.D.T.

DENVER — Beneath the western United States lie thousands of old mining tunnels filled with the same toxic stew that spilled into a Colorado river last week, turning it into a nauseating yellow concoction and stoking alarm about contamination of drinking water.

Though the spill into the Animas River in southern Colorado is unusual for its size, it's only the latest instance of the region grappling with the legacy of a centuries-old mining boom that helped populate the region but also left buried toxins.

Until the late 1970s there were no regulations on mining in most of the region, meaning anyone could dig a hole where they liked and search for gold, silver, copper or zinc. Abandoned mines fill up with groundwater and snowmelt that becomes tainted with acids and heavy metals from mining veins which can trickle into the region's waterways. Experts estimate there are 55,000 such abandoned mines from Colorado to Idaho to California, and federal and state authorities have struggled to clean them for decades. The federal government says 40 percent of the headwaters of Western waterways have been contaminated from mine runoff.

Last week, the Environmental Protection Agency was trying to staunch leakage from a gold mine — not worked since 1923 — high in the San Juan mountains of southern Colorado. But workers moving debris from the mine tunnel accidentally opened up the passage, leading to a million gallons of sludge spilling into a creek that carried it into the Animas River. From there the discharge headed toward the Colorado River, which provides water to tens of millions of Westerners.

"The whole acid draining issue is something we struggle with in the western United States," said Bruce Stover, the Colorado Department of Mining official in charge of dealing with abandoned mines in that state.

One of the complicating factors is money and legal liability. Cleaning up the mines is very costly, and the Clean Water Act says that anyone who contributes to pollution of a waterway can be prosecuted for a federal crime, even if they were trying to clean up pollution. That's kept environmental groups from helping the EPA treat water and tidy up mines. Groups for several years have been pushing for a federal law that would let so-called "Good Samaritan" groups help with cleanup without being exposed to legal liability.

"There's still a whole generation of abandoned mines that needs to be dealt with," said Steve Kandell of Trout Unlimited, one of the organizations backing the bill.

But the Wednesday spill from the Gold King mine shows the amount of damage that the slightest cleanup accident can inflict. The mine is one of four outside the old mining town of Silverton that have leaked heavy metals into Cement Creek, which flows into the Animas. Cement Creek is so poisoned that no fish live there and the EPA has long registered abnormal levels of acidity and heavy metals in the upper Animas that have also injured aquatic life.

Downstream, though, the Animas flows through the scenic town of Durango and is a magnet for summer vacationers, fishermen and rafters. The river turned yellow Thursday, emitting a sickening stench and sending water agencies scrambling to shut off the taps from the waterway.

The EPA apologized profusely to residents for both the accident and failing to warn anyone for the first 24 hours. During a town hall meeting in Durango on Friday, a restaurant owner asked the EPA if it would compensate businesses for lost revenue, while officials warned that the river may turn yellow again in the spring, when snowmelt kicks up the settled contaminated sediment.

The history of the Gold King and its neighboring mines is also an example of the difficulty in cleaning up old waste. The EPA had initially tried to plug a leak in another mine that drained into Cement Creek, the American Tunnel, but that simply pushed more contaminated water out of the neighboring mines such as Gold King.

"In this day and age, everyone wants the quick fix, but these things take time," said Jason Willis, an environmental engineer who works with Trout Unlimited in Colorado. "These are site-specific tasks."

Stover said it was particularly galling that the Animas was contaminated by the very chemicals that environmental officials have been trying to remove from its watershed.

"It's very unfortunate," Stover said. "We've been fighting this war for years, and we've lost a battle. But we're going to win the war."

Wastewater from Colorado mine reaches New Mexico

August 9, 2015

Associated Press

Mustard-colored wastewater laced with heavy metals continues to drain into a river from an abandoned mine in southwestern Colorado at a rate of about 550 gallons per minute, according to the Environmental Protection Agency, which caused the spill.

The rate of discharge Saturday was down from about 740 gallons per minute on Friday.

But three days after the massive spill, the agency said it still didn't know what the possible environmental and health impacts are.

The agency said it hoped to have a thorough lab analysis of the contaminants — which include lead and arsenic — as soon as Saturday evening or Sunday morning.

"We're busting our tails to get that out," Environmental Protection Agency Regional Director Shaun McGrath said. "We know the importance to people to have this information."

In the meantime, the EPA said it had finished building two containment ponds to treat the yellow sludge. However, the ponds are meant to immediately address the spill and cleanup efforts will likely take a long time. McGrath could not say whether that means days or weeks.

"This is a long-term impact. The sediment, the metals that are in that sediment are going to settle out to the stream bottom," he said. "As we have storm surges, as we have flooding events, that sediment can and likely will get kicked back up into the water. We're going to have to do ongoing monitoring."

About 1 million gallons of wastewater from Colorado's Gold King Mine began spilling into the Animas River on Wednesday when an EPA-supervised cleanup crew accidentally breached a debris dam that had formed inside the mine.

The mine has been inactive since 1923.

The plume reached the northern New Mexico cities of Aztec on Friday night, and Farmington on Saturday morning. Local government officials in New Mexico and Colorado have blasted the EPA, saying they didn't alert communities soon after the spill and that answers have been slow in coming.

"There's not a lot we can do. We can keep people away (from the river) and keep testing. We still don't know how bad it is," San Juan County Emergency Management Director Don Cooper said.

Officials in both cities shut down the river's access to water treatment plants and say the communities have a 90-day supply of water and other water sources to draw from.

No health hazard has been detected yet. In addition to lead and arsenic, federal officials say the spill contains cadmium, aluminum, copper and calcium, but the concentrations were not yet known.

Water samples were also tested in New Mexico, but no results have been released.

In addition to New Mexico, wastewater from the mine was also inching toward Utah.

The Animas flows into the San Juan River in New Mexico, and the San Juan flows into Utah, where it joins the Colorado River in Lake Powell.

Officials said the contamination would likely settle into sediment in Lake Powell. Glen Canyon National Recreation Area officials said visitors will be warned starting Monday to avoid drinking, swimming or boating on affected stretches of the lake and river until further notice.

The spill from the mine flowed down Cement Creek and into the scenic Animas River, which is popular with boaters and anglers. Aerial photos showed the slow-moving yellow water snaking by scenic mountain roads surrounded by pine trees.

While awaiting further results on the concentration levels of the metals in the water, the EPA released results Saturday showing how acidic the water became after the spill.

In Cement Creek, near the spill, the water registered a pH level of 3.74, which the EPA said is similar to the acidity of tomato juice and apples. Further downstream, in Silverton, pH levels were found to be about 4.8, which is similar to liquid black coffee.

The EPA warned people to stay out of the river and to keep domestic animals from drinking from it. Local officials declared stretches of the river off-limits in Colorado and New Mexico.

At least two of the heavy metals found in the waste water can be lethal for humans with long-term exposure. Arsenic at high levels can cause blindness, paralysis and cancer. Lead poisoning can create muscle and vision problems for adults, harm development in fetuses and lead to kidney disease, developmental problems and sometimes death in children, the EPA said.

When the spill happened, the EPA-supervised crew was trying to enter the mine to pump out and treat the water, EPA spokeswoman Lisa McClain-Vanderpool said

- See more at:

<http://www.westfieldrepublican.com/page/content.detail/id/899374/Wastewater-from-Colorado-mine-reaches-New-Mexico.html?isap=1&nav=5072#sthash.M5tU5awU.dpuf>

What Is Nature Worth to You?

08/08/2015

New York Times, The

THE United States government recently announced an \$18.7 billion settlement of claims against the oil giant BP in connection with the Deepwater Horizon oil rig explosion in April 2010, which dumped millions of barrels of oil into the Gulf of Mexico. Though some of the settlement funds are to compensate the region for economic harm, most will go to environmental restoration in affected states.

Is BP getting off easy, or being unfairly penalized?

This is not easy to answer. Assigning a monetary value to environmental harm is notoriously tricky. There is, after all, no market for intact ecosystems or endangered species. We don't reveal how much we value these things in a consumer context, as goods or services for which we will or won't pay a certain amount. Instead, we value them for their mere existence. And it is not obvious how to put a price tag on that.

In an attempt to do so, economists and policy makers often rely on a technique called "contingent valuation," which amounts to asking individuals survey questions about their willingness to pay to protect natural resources. The values generated by contingent valuation studies are frequently used to inform public policy and litigation. (If the government had gone to trial with BP, it most likely would have relied on such studies to argue for a large judgment against the company.)

Contingent valuation has always aroused skepticism. Oil companies, unsurprisingly, have criticized the technique. But many economists have also been skeptical, worrying that hypothetical questions posed to ordinary citizens may not really capture their genuine sense of environmental value. Even the Obama administration seems to discount contingent valuation, choosing to exclude data from this technique in 2014 when issuing a new rule to reduce the number of fish killed by power plants.

Do we respond to contingent valuation studies the way we respond to all other known classes of economic decisions? Or do we behave differently when environmental value is involved?

To find out, we conducted a study, just published in the journal PLOS One, that compared, at a neurological level, how people responded in both situations.

In the budding field of neuroeconomics, researchers have found striking similarity in the brain structures responsible for valuation across a host of different kinds of decision making. Our study used functional magnetic resonance imaging to examine activity in the brain's valuation areas when subjects were asked to value environmental proposals (for example, protection of sea turtles, cleanup of the Gowanus Canal in New York), snack foods (e.g., tortilla chips), consumer goods (e.g., "The Simpsons: Complete Sixth Season" DVD, a Moleskine notebook) and time spent on daily activities (e.g., jogging, doing laundry).

Across all four types of questions, neural activity indicated that participants were paying attention. But when it came to putting values on things, we found differences. Specifically, when people put values on consumer goods, foods and time spent on daily activities, this was correlated with neural signals in the traditional valuation areas of the brain. But when people answered survey questions about the value of environmental proposals, their brain activity was uncorrelated with these areas.

The takeaway was clear: The brain did not respond to contingent valuation studies the way it did to all other known classes of economic behavior.

This means that contingent valuation does not line up with what we know about the neural basis of ordinary economic decision making. However, we do not yet know how it fails to line up. Contingent valuation may overestimate environmental valuation; it may underestimate it; it may overestimate sometimes and underestimate at other times.

Where to go from here? The trick will be to figure out how to use functional magnetic resonance imaging technology, or other such tools, to directly estimate how people value the environment in economic terms.

Of course, none of that will settle deeper philosophical questions of environmental ethics -- for example, whether we owe something to future generations that individual valuations of our natural resources do not capture. But additional research can give insight into how people genuinely value the world around them, which should give a clearer picture of how grave a harm is caused by disasters like the BP spill, and how much the offenders should pay.

Follow The New York Times Opinion section on Facebook and Twitter, and sign up for the Opinion Today newsletter.

Too much water is a problem in several parts of Queens

By Bob Harris

August 9, 2015

Times Ledger

A recent meeting in Fresh Meadows at the Utopia Jewish Center again highlighted the problem of flooding along Utopia Parkway south of the Long Island Expressway. For decades there has been flooding when intense heavy storms hit the area. The city Department of Environmental Protection presented things that could be done to prevent flooding.

For decades the water has bubbled up from the sewers and flowed down into the basements of houses built with below-ground-level garages. In the past, the city has installed huge cement basins at corners to better gather rain during heavy storms. There was the suggestion that backflow valves be put on toilets so stormwater would not flow back into the houses through the toilets.

Now the DEP installed new manhole covers plus duckbills in four of the huge corner basins to keep the water in the sewers. Of course, a high-intensity storm will probably drop so much rain that it will overwhelm the system. How wide can they build the sewer pipes?

Over the decades, more houses have been built and more open land and grassy areas have been covered with cement. People pave over part or sometimes illegally all of their lawns so the ground cannot absorb heavy rains. Actually, people can build a dry well and use bricks over their driveway. However, some people may not build the drywell. Cemented yards even blocks away just let the water flow into the sewers until they overflow.

The DEP gave out pamphlets explaining that grease put down sinks can coagulate and reduce the flow of water in sewer pipes. I keep a plastic container for liquid grease in my freezer and put the can in the garbage when it is full. I also wipe out frying pans that have a grease residue so it doesn't go down my pipes.

For years the residents of Utopia have repeated a theory that there is a special valve in the sewers at LaGuardia Airport that closes when there is too much rain and redirects the water into Fresh Meadows. The DEP says this is not true. The neighbors keep complaining.

In southeast Queens the city did not install sewers until quite recently. Now with sewers the flooding seems to have lessened, but there still are complaints after storms. The problem in the southern part of Queens is the rising sea level and intense storms which cause flooding from the Atlantic Ocean high tides. Sewers are either nonexistent or can't handle the storm rain water.

As of now, no big projects have been planned to prevent the rising sea level from overwhelming the land. The only thing done has been FEMA printing Preliminary Flood Insurance Rate Maps for the city. The new maps put 71,500 buildings in flood zones, but the city says only 45,000 buildings should be in flood zones and subject to higher insurance rates. The city is making people build their houses higher and raising road levels. Due to the rising tides, houses can no longer have an occupied ground floor. Naturally, some people are unhappy. It is interesting that along some stretches of the Mississippi River the government does not permit people to build houses any more due to the periodic flooding from the river.

My wife and I have discussed the situation that in Southeast Asia the wealthy live high on bluffs above the ocean and the poor live on the coast and get hit with tsunamis and storms, but here our wealthier people like to live along the ocean. With the rising sea level our people along the coast are now feeling the power of the ocean.

Good and bad news of the week: Modern science has provided us with useful products and ways to make food tastier and last longer, but now scientists say that some of these new chemicals are toxic to us. Something to think about.

Village killed over 1,000 dolphins to extort money from charity

By Susan Casey

August 9, 2015

NY Post

In her new book, "Voices in the Ocean," journalist Susan Casey examines our kinship with dolphins, and how that love affair can go wrong — as it does with the "swim with

dolphin” resorts that pen up the intelligent creatures. In this excerpt, she reveals how one entrepreneur’s idea for a “dolphin resort” set off a horrific chain of events.

In 2013, a remote village in the Solomon Islands called Fanalei announced that its residents had killed nearly 1,000 dolphins in two days, followed by another 300 to 400 dolphins the next day.

The villagers vowed to continue killing as many dolphins as they possibly could until they were paid.

It was a hostage situation, tense and gnarly and haywire, and, ironically, one that had begun with the best of intentions.

The environmental group Earth Island Institute had ventured to Fanalei and two other villages, Walande and Bitá’ama, in 2010 and offered a proposal: If the villagers would stop hunting dolphins, their communities would receive financial support. Money would become available to build schools, create sustainable businesses, and shore up houses. After much communal discussion, all three villages accepted the deal. Earth Island then began to release the funds, large sums entrusted to village elders.

In Bitá’ama and Walande, things went smoothly. The money was transferred and used as intended; the dolphin hunting halted.

In Fanalei, however, things went awry. After the first payments were wired, they promptly disappeared, siphoned off by a splinter clan of Fanalei associates who lived in Honiara, Guadalcanal’s capital.

The people who were supposed to distribute the village’s cash claimed they’d never received it, despite records proving it had been sent.

In Fanalei — an outpost near the southern tip of Malaita, an island 60 miles from Guadalcanal — the locals who hadn't received any money looked for someone to blame. Everyone was enraged at everyone. Wilson Fileil, the chief who had brokered the deal, was forced out. The villagers, he told the Solomon Star newspaper, had embarked on "a killing spree."

When pods swam by their island, the men pushed off in their dugout canoes and captured about 900 bottlenose, spinner and spotted dolphins, including 240 calves. The villagers' hunting method is primitive — banging stones underwater to disorient the dolphins, then running them to the beach — but deadly effective.

Once the pods were driven into the mangrove shallows, the Fanalei women waded into the water, too, wrestling dolphins into canoes, dragging them onto shore by their tails, grabbing them by their beaks and slinging them over their backs.

While men whacked at the thrashing animals with machetes and women harvested the teeth, children played with headless dolphin carcasses, lolling in pools of blood.

Teeth currency

To grasp the pitch of local hostilities, you have to consider the Solomon Islands' history, and it isn't a pretty tale. The Solomons existed apart from civilization until the 19th and early 20th centuries arrived, bringing cruelty: European traders enslaved thousands of natives and forced them into labor on sugar plantations.

Britain claimed the place, but it was on the far fringes of the empire. These islands played a key role during World War II: nearly 40,000 Allied and Japanese troops lost their lives here, and the fighting also took a steep native toll. Discarded live ordnance is still scattered across the landscape; in recent years, homegrown militias have dug up old shells and used them against their enemies.

In 1978, the islands gained independence and struggled to find their footing amid clan violence. (It didn't help the Solomons' sense of unity that 90 different languages were spoken throughout the country, by a populace strung across a vast archipelago.)

Ethnic clashes and weak government led to a savage civil war from 1998 to 2003, a period known as "The Tensions." It was a lawless time, people turning on one another with automatic weapons, World War II detritus, machetes, knives and anything else they could get their hands on. It took an Australian-led, multinational peacekeeping force to put a lid on the marauding; the soldiers are still in residence today.

Unlike Japan, the Solomon Islands really do have a tradition of hunting dolphins that goes back centuries. In the past, these hunts were sacred events, called by dolphin priests. They happened seasonally and were modest in their take.

Only spinner and spotted dolphins could be killed, as few as possible to serve the village's needs; there were prayers and rituals to honor the dolphins who gave their lives.

Then, it was a deeply spiritual endeavor; now, like so many pursuits, it's mostly about cash. Dolphin teeth are prized as a currency, used in rural commerce. They are required, for instance, to buy cigarettes, a pig, or a bride — a woman costs at least a thousand teeth.

During ceremonies in dolphin-hunting communities, both men and women will be decked out in dolphin-tooth necklaces, earrings, headdresses, belts: a lone person might be wearing 20 dolphins. Each dolphin tooth is worth between 50 cents and \$1, depending on its size and quality. The more teeth a family displays, the higher its social status.

The trade begins

Into this combustible mix came a Zippo lighter. In 2002, Christopher Porter, a 32-year-

old former marine-mammal trainer from British Columbia, Canada, made his way to Fanalei.

Porter, a burly guy with a surplus of nerve, had a vision that he expressed to the villagers in pidgin, the Solomons' lingua franca mash-up of English and Melanesian. The dolphins they were butchering for meat and teeth, Porter told them, were extremely valuable in the outside world. If the villagers helped him catch them, they would receive great benefits.

Porter wanted to build a luxury resort near where guests could "get closer to dolphins than they ever dreamed." He seemed unconcerned that a country overrun by warlords was generally not a big draw for tourists.

The Malaitans listened. If they had a talent, it was for snagging pods of dolphins. Their villages had nothing, and Porter was offering jobs, boats, cash. The tattered government granted Porter a 100-dolphin export permit and a lease on 40-acre Gavutu Island.

Gavutu had a small harbor and was used by World War II Japanese forces as a seaplane base until the US Marines wrested control in a mean fight on August 8, 1942.

Porter partnered with a Malaitan chief named Robert Satu, and almost immediately 94 dolphins were hauled in and penned up in Gavutu, and at a grotty marina in Honiara.

In July 2003, the two men exported 28 bottlenoses to Parque Nizuc, a swim-with-dolphins facility in Cancún, Mexico. (Like most countries, Mexico has banned the capture of dolphins within its own waters.) One of the dolphins died upon arrival; the surviving 27 swam in tight circles emitting high-pitched screams for several days. Within 18 months, another nine were gone.

Porter and Satu shipped Solomons' dolphins not only to Mexico, but also to China and the Philippines, despite a global outcry against the practice. In October 2007, 28 freshly captured bottlenoses were loaded onto two chartered Emirates DC-10s for a 30-hour

journey to Dubai. Their future home would be Atlantis, The Palm, a \$1.5 billion resort built on an artificial island made from 94 million cubic meters of sand, dredged out of the Persian Gulf.

In Honiara, the country's fisheries minister bragged that each Dubai-bound bottlenose had sold for \$200,000, with the government receiving a 25 percent export tax.

Porter and Satu's dolphin exploits, once they became known, drew international condemnation. When journalists tried to investigate the Honiara dolphin pens, they were met by armed Solomon Islanders — gang members hired by Satu, who looked on with a satisfied smile as tribesmen slapped the news cameras away. A reporter from the Sydney Morning Herald was hit in the head with a concrete block.

Chief Satu was a small, flinty man who looked wizened beyond his 51 years; dolphin-tooth necklaces crisscrossed his chest like bandoliers. This business of shipping dolphins to marine parks was massively profitable, he said: "It's big — bigger than gold or logging."

Satu mused about the possibility of every village having its own "dolphin farm."

"We've already created the market," he said. "They could just follow."

Dolphins' 'Darth Vader'

Not long after the Cancún export, Earth Island representatives flew to Honiara and found that the dolphins were so malnourished and dehydrated that some had developed a condition called "peanut head," their skulls showing clearly beneath their skin.

Some of Porter's bottlenoses died after being fed rotten fish; another environmental group reported that a dolphin had been eaten by a crocodile.

Porter asserted this all happened while he was out of the country. "Like the rest of the world, just blame Chris Porter," he complained. "I'm the monster in activists' heads. Everyone thinks I'm the worst man on Earth for dolphins. I'm the one who catches them all and I'm the greedy one and I'm the exploiter."

According to Porter, the opposite was true. "I love animals," he said. "I cried during 'Old Yeller.'" Few people, however, saw him as a friend to wildlife. Porter was dubbed "the Darth Vader of Dolphins," a nickname that stuck.

Porter explained to the media that he'd chosen the Solomon Islands for his operation because of the country's dolphin-tooth fetish. If they were decapitating so many of the animals, he reasoned, it seemed unlikely the islanders would mind exporting some, too, particularly if they profited from the sales.

It was in the traffickers' interest for the hunts to continue, conservationists explained, because then they could export the animals with less controversy, by claiming they were "saving" them.

If Porter had set out to make his pitch at a vulnerable moment, he'd succeeded. "He came at the height of the Tensions," said Lawrence Makili, Earth Island's local director. "To take advantage of the situation. There was no law and order."

During the country's civil war, he explained, traditional dolphin hunting had all but stopped. It was only Fanalei that was rounding up pods: "It was a dying practice. But it started up again because Chris Porter came waving the flag of money!"

Held for ransom

From what I could gather, Porter's last days in the Solomons had been bad ones. A rift developed between him and the tribesmen, and he left the country. The Gavutu headquarters was dismantled.

But the dolphin trade he had introduced kept going.

Conservation groups tried to stop it. Earth Island officials, including American activist Ric O'Barry, met with various leaders, including Tigi Emmanuel, Bitá'ama's chief. In video of the negotiation, Tigi appeared in his dolphin priest costume — a sarong, ropes of dolphin-tooth necklaces, a dolphin-tooth headdress, ceremonial armbands, and what looked like a set of raffia wings on his back — and announced that the villagers demanded \$12 million a year to lay down their machetes. If the money was not paid, Tigi had bellowed, "We will slaughter the dolphins of the whole Earth!"

'We will slaughter the dolphins of the whole Earth!'

- Tigi Emmanuel

In the end, Bitá'ama settled for a lesser sum, and now Chief Tigi was a happy man, thrilled with Earth Island's contributions to his villages: fuel drums, machine parts, a portable sawmill, lumber for houses. He was a skilled spokesman, neat in Oakley blade sunglasses and a white golf shirt, outlining Bitá'ama's new dolphin-friendly philosophy with a politician's air. "We normally kill and eat dolphins," he began, "but now we want dolphins to be safe."

As proof, he showed me a photo of some tribesmen, standing waist-deep in the ocean snuggling dolphins in their arms like babies. When the agreement with Earth Island was signed, Tigi said, the villagers had 160 dolphins penned in their lagoon, ready for slaughter. Instead, as a gesture of good faith, they had released them.

Of course, the problem with bribery is once the money stops — or, in the case of Fanalei, is embezzled — the hostage is killed. Fanalei continues to hunt dolphins that pass by its remote shores, and the village's mangrove shallows are littered with bones. Threatened with economic sanctions, the country's government has officially banned live dolphin exports, but at least one clandestine shipment to China has allegedly occurred.

Chris Porter opened a Pandora's box, it seems, that no one has been able to close.

Excerpted from "Voices in the Ocean: A Journey into the Wild and Haunting World of Dolphins" by Susan Casey, out now from Doubleday. For ongoing information about conservationists' attempts to end dolphin hunting in the Solomon Islands, see <http://www.thedolphinproject.net>.

GE's dredging far from complete

Posted on August 10, 2015

By Letters to the editor

Albany Times Union

In a recent op-ed, GE claims it has done everything necessary to remove toxic PCBs that it dumped into the Hudson River decades ago – and that EPA agrees.

Neither is true.

First, a significant amount of PCB contamination will remain if GE stops dredging this fall, as planned. A new federal report found there are 2-3 times more PCBs in the Upper Hudson than EPA originally estimated.

That additional pollution is not currently slated for cleanup, and more dredging is necessary to get rid of it. Otherwise, fish still won't be safe to eat, commercial shipping lanes won't be safe to dredge, and even the air people breathe along the Hudson will have higher-than-normal PCB levels, threatening public health.

Second, GE implies that it is required to dismantle its current sediment processing facility when dredging ends this fall, preventing further cleanup. But EPA has made it

clear that, by court order, the corporation has to negotiate what happens next, and they can't just pick up and leave. As the EPA Project Director said: "GE is not the decider here."

Finally, GE neglects to mention that the EPA-negotiated cleanup is just one part of its obligation to restore the river. The company will still have to pay for the damage it has caused to the state's natural resources. The more sediment left behind, the higher that bill should be.

GE must stop trying to cut corners and finally clean up the mess it made in the Hudson River in full.

Mark A. Izeman, director

Daniel Raichel, attorney

New York Program, Natural Resources Defense Council

New York City

Cuomo Says Hudson Tunnels Need Grants, Not Loans to States, From U.S.

By VIVIAN YEE

AUG. 9, 2015

NY Times

Two weeks after the federal government's top transportation official urged the governors of New York and New Jersey to meet with him about how to solve the problems plaguing rail service between their states, Gov. Andrew M. Cuomo of New York said on Sunday that such a meeting would be pointless unless federal officials offered grants, not loans, to finance new tunnels under the Hudson River.

Speaking to reporters before the Dominican Day Parade in Manhattan on Sunday, Mr. Cuomo said he was willing to meet with the secretary of transportation, Anthony Foxx, who had asked for a meeting by Monday, "but there's no reason to meet now, because it's very simple." The states could not afford to pay back a loan, Mr. Cuomo said; only cash would do to help cover the estimated \$14 billion cost.

"I don't need your advice; I know we need the tunnel," Mr. Cuomo said. "We'll build the tunnel — I'll go out there with a shovel myself — but we need the money."

Transportation Secretary Anthony Foxx said it would take collaboration between all sides to complete the Gateway Project.

A whole canyon seems to separate the bargaining positions of Mr. Cuomo and Department of Transportation officials, who say they are offering a good deal under the circumstances, arguing that a loan is the only way to get this crucial project started.

From the federal officials' perspective, a federal grant of significant size seems unlikely at best. Amtrak, the owner of the current tunnels, has proposed building new tunnels, but Congress heavily cut financing for the rail system this year.

"We're willing to go to extraordinary lengths to help move this project forward using existing federal resources," said Suzanne Emmerling, a spokeswoman for the transportation department, repeating a statement she first made on Friday, after Mr. Cuomo sent a letter to Mr. Foxx rejecting the offer of a loan. She added that the department was willing to consider trying to obtain money from Congress as well, but first needed all the partners to agree on a way forward.

The question of the passenger train tunnels between New York City and New Jersey has festered for years. The tunnels were already more than a century old when Hurricane Sandy hit, causing so much damage that Amtrak said it would have to shut them down to make repairs.

Gov. Chris Christie of New Jersey canceled an earlier tunnel project in 2010, saying the project, known as ARC, placed an unfair financial burden on New Jersey taxpayers, and neither state has since proposed an alternative. But the issue broke into the open again in July, when a series of crippling train delays disrupted tens of thousands of commutes several days in a row.

Shutting either existing tunnel to make the repairs would paralyze transit around the region, significantly cutting the number of trains that could travel between New Jersey and New York, Amtrak officials have said. To make up the difference and increase capacity in the long run, Amtrak has proposed building two one-track tunnels under the Hudson River and committed \$300 million to the project, known as Gateway.

In his letter asking both governors to meet, Mr. Foxx offered to use a federal railway financing program to help pay for the rest, but emphasized that neither Amtrak nor the individual states could get the job done alone. Both governors have also said their states are willing to contribute to Gateway.

Two weeks later, the pressure to strike a deal is still on: The New Jersey State Senate's Legislative Oversight Committee is holding the first of two hearings on the issue on Monday morning, while The Record of Bergen County, N.J., reported on Sunday that hundreds of millions of dollars for the ARC project may have gone to waste. But little progress has been made.

"We're also going to have to provide some leadership here to move this all forward," said State Senator Loretta Weinberg of New Jersey, the vice chairwoman of the oversight committee. "We can't just everybody point in somebody else's direction."

Among those set to testify on Monday are Stephen Gardner, an executive at Amtrak, as well as several New Jersey-based transportation advocates.

Senator Robert M. Gordon, the oversight committee's chairman, said the tunnel project deserved federal funding because of the region's outsize contribution to the national economy.

“Unless we do something about this, we’re going to drive companies to Atlanta or the Carolinas, where getting to work doesn’t require an act of God,” he said. “There really is no alternative to investing in and improving the transportation system and increasing its capacity to accommodate the growth it’s expected to have.”

Mr. Cuomo noted on Sunday that the tunnel project, like the Tappan Zee Bridge replacement and La Guardia Airport, has needed attention for many years.

“I’m very big with stopping the talk and getting to action,” he said, claiming credit for kick-starting the bridge and airport projects. “This cross-harbor tunnel is the same thing. Everyone has talked about it for years — we need it, we need it, we need it. We haven’t gotten anywhere.”

A Hive of Activity Atop the Barclays Center

By JAMES BARRON AUG. 9, 2015

NY Times

“We have a bee,” Ashley Cotton said, in a we-have-liftoff voice.

The mission was to see the latest fast-food stop for the pollen-and-wax crowd, in three acres of green space added last month in Brooklyn. A few hundred feet above the Nets’ basketball court, on a roof-above-the-roof now under construction over part of the Barclays Center, the three new acres hold thousands of seductive sedum plants — seductive to bees, anyway.

For a few days last month, the green space was a four-star destination for hundreds, maybe thousands, of bees that suddenly showed up to forage on the sedum. Just as suddenly, they stopped appearing, at least in such numbers.

So by the time Ms. Cotton, a vice president of Forest City Ratner Companies, which built the Barclays Center, got there a few days later, the one bee was something to see. She aimed her phone and snapped a photograph.

“The bees were an unexpected, amazing side effect” of the roof project, Ms. Cotton said.

“Bees have been on my radar,” she said, “because there’s been so much reporting that I’ve read about declining bee populations, but I had no sense that we would be a home for these bees. We were hearing from the construction workers. They were telling us, ‘You wouldn’t believe it, but there are all these bees up here.’”

Vincent DiMaio, a senior superintendent with Hunt Construction Group, witnessed that as he worked. “Every day, the magnitude of the bees got more and more and more,” he said. “You would look down here and see things hovering. I thought, Brooklyn is going to start mass-producing honey from this.”

The flowering season for sedum began almost as soon as the plants were delivered last month. Some of them flowered even before they were placed in the grid system that was specially built to hold them. The word went out among the bees of Brooklyn, though “word” is probably the wrong word. Bees do not talk. They do a wacky, wiggly dance back at the hive to tell one another where the next really great meal is to be found.

They did not wait for Mr. DiMaio’s crew to play waiter and set out all of the not-very-seductive plastic trays containing the sedum plants. The trays look like garden-shop issue, 2 by 2 feet. There were a lot to put in place — 34,000 trays in all — and they were filled with a dozen different types of sedum.

The bees, bobbing and weaving through Brooklyn air space at something like 12 miles per hour, plunged right in. The pickings were lush. On the Barclays Center roof, there were no marauding bears to fend off.

"I'm no bee expert, but they clearly go for the flowering plants," Ms. Cotton said. "I never thought of it as a floral blooming roof. People think it's a grass roof, which isn't totally accurate, but I never thought it actually bloomed."

The sedum was imported from Connecticut in a huge container that looked like a trash-hauling bin. A crane lifted it to the roof, and the workers began carrying them out.

The containers were lighter when they arrived than they are now, suggesting that a Brooklyn diet is about water weight. "When they're saturated, they're 90 to 100 pounds," said Robert P. Sanna, the executive vice president and director of construction and design development for Forest City Ratner. "Some of them shipped dry. That's only 60 or 70 pounds."

There is no sprinkler system. "We're not going to maintain this with a lawn mower and a sprinkler system," he said. "In the spring, it's going to be green. In the winter, it will gray up a little."

Mr. Sanna said the plants looked simple and low-tech, but the engineering was complicated.

A view of the sedum garden on top of the Barclays Center, photographed with a fisheye lens. Credit Chang W. Lee/The New York Times

"We had to create an entire system, a deck, to hold it," Mr. Sanna said.

The deck, essentially an environmentally friendly cap, is being built by Greenland Forest City Partners, a joint venture of Greenland USA and Forest City Ratner, and it is the joint venture that is putting up all but one of the apartment towers at the edges of the area. But adding it to the existing structure of the arena posed a problem.

“We had to take the load and transfer it to the columns,” Mr. Sanna said. “But this is an arena. There are no columns in the middle, so we had to build trusses to transfer the load to the sides.”

There is also a 10-foot-high gap — “interstitial space,” Mr. Sanna called it — between the old roof and the new deck. That lets rainwater percolate through on its way to drain pipes leading to giant holding tanks, which Nets fans never knew were down there somewhere.

So where did the Barclays Center bees go after they stopped foraging there?

Andrew Coté of the New York City Beekeepers Association said they probably did not move on to form the swarm that descended on a bicycle in Manhattan last week. Hundreds of bees squeezed onto the handlebars and the head tube of the unoccupied bike, chained to a street sign at 56th Street and Seventh Avenue.

Nor were the Barclays Center bees the artsy ones a few blocks away at the Museum of Modern Art. A sculpture there by the French artist Pierre Huyghe of a reclining nude figure has a head that is a living beehive — a colony of live, bustling bees.

Brooklyn bees do not get into Manhattan much, he said. “If they can avoid it, bees won’t cross great bodies of water” like the East River between Manhattan and Brooklyn, he said.

And if bees from Manhattan made the trip to Brooklyn, they would not go back. Or so he said.

“You get a guy from Topeka, Kansas, or Walla Walla, Washington, stick him in Williamsburg for a month, ask him where he’s from, he’ll say Brooklyn,” Mr. Coté said. “It’s the same with bees.”

Mercury not widespread in Ramapo and Pompton rivers, DuPont study says

By JAMES M. O'NEILL

Last updated: Friday, August 7, 2015, 12:46 PM

The Record

The Pompton River near the Pequannock-Wayne border was part of the survey by DuPont that found relatively low mercury concentrations.

There is little evidence that mercury has migrated down the Ramapo River from contaminated Pompton Lake, according to a new study filed with federal regulators.

The study, which involved sampling sediment along a 3-mile stretch of the Ramapo and Pompton rivers in Pompton Lakes, Pequannock and Wayne, concluded that "the distribution of mercury in the sediment is not widespread."

The study was commissioned by DuPont, the company that is responsible for the mercury in the lake.

The federal Environmental Protection Agency required the study because mercury can be transformed into methylmercury, a more toxic form, and there had been concern that it was being pushed down the river, polluting a wider area.

Mercury can accumulate in animal tissue as it moves up the food chain and affect humans who eat mercury-tainted fish, possibly damaging the nervous system and harming the brain, heart, kidneys, lungs and immune system.

But instead of providing nearby residents with a sense of relief, the new survey results reawakened their long-standing distrust of DuPont. Over many decades, the mercury migrated off DuPont's former munitions facility in Pompton Lakes by way of Acid Brook, which runs through the 600-acre property and empties into the lake. The Ramapo River extends from the southern end of the lake and flows into the Pompton River in Wayne.

"It's a numbers game, and DuPont's in charge — I don't trust them," said Helen Martens, a Pompton Lakes resident who lives near the lake. "Why don't they have some independent contractor do the tests so the residents can be reassured they are getting true results? This is like the fox watching the hen house. It sickens me."

Jefferson LaSala, who also lives near the lake, agreed. "We have been asking for independent testing for years, and the EPA refuses to honor that request," he said. "We do not trust the polluter's test results. How can they be trusted after 33 years of clearly demonstrating that they favor money and protecting their shareholders at the expense of residents' health, property and the environment?"

The study was conducted by AECOM, a contractor hired by DuPont. Earlier this year DuPont spun off an independent company, called Chemours, which took on responsibility for many contaminated DuPont properties around the country, including the Pompton Lakes site.

The EPA and the state Department of Environmental Protection are now reviewing the study. They will then provide feedback to Chemours that must be addressed before the report is approved by the agencies.

"The impetus for the sediment investigation was concern among the public regarding the potential nature and extent of contamination and a desire on the part of EPA and NJDEP to conduct a more comprehensive investigation," said EPA spokesman John Martin.

The 34 samples taken from the shallowest layer of sediment found "relatively low" mercury concentrations, with 25 of them showing less than 1 milligram per kilogram of sediment. Among the rest, all but one measured less than 5 milligrams, the study found. The highest concentration was 23.5 milligrams, the report said.

By comparison, mercury levels in some of the sediment in Pompton Lake are more than 100 milligrams per kilogram.

While the report concludes that the mercury levels are relatively low, the U.S. Fish and Wildlife Service, in communication with the EPA over the Pompton Lake cleanup, has cautioned that recent scientific studies show "lethal and sub-lethal effects in adult fish" even when mercury concentrations are well below 1 to 5 milligrams per kilogram.

The samples were taken primarily from areas with fine-grained sediment deposits, such as silts, clays and sand, because mercury is more likely to accumulate in such deposits. AECOM surveyed the makeup of the riverbed and found that fine-grained sediment represented less than 10 percent of the study area. The results of the riverbed mapping and the amount of fine-grained sediment "indicate a limited distribution of mercury in sediments," the study concluded.

In May, the EPA issued the final version of a \$43 million project to dredge the mercury-tainted sediment from Pompton Lake itself and add a layer of clean material to restore the lake bottom. The plan calls for Chemours to dredge about 128,000 cubic yards of sediment and send it to a licensed disposal facility.

Most of the sediment would be dredged from a 36-acre area at the mouth of Acid Brook. Two other portions of lake bottom near the shoreline will also be dredged, totaling about 3 acres. Chemours will pay for and conduct the cleanup, with EPA oversight. Chemours is scheduled to submit the work plans to the EPA by mid-September.

At the same time, Chemours is continuing tests to determine the best way to clean groundwater contaminated with the solvents PCE and TCE under a neighborhood of 355 homes and apartment houses between the lake and the former DuPont facility.

The cancer-causing solvents had been dumped on the DuPont property, then migrated off the site with groundwater. In 2008, studies found the solvents vaporizing up through the soil into some basements. Most homes have had vapor mitigation systems installed.

Chemours also still needs to clean up dozens of contaminated spots on the sprawling former munitions facility, which DuPont operated from 1902 to 1994 and which played a key role in making ammunition for both world wars.

Separate from overseeing the various cleanups, the federal government is seeking significant damages from DuPont for the decades of pollution that contaminated the site.

Puerto Rico's struggle with \$72B of public debt explained

By : The Associated Press

Cbprdigital

Puerto Rico is staggering under a \$72 billion public debt load that the governor has said the island cannot pay and must restructure.

The government has missed a debt payment and its worsening economic crisis has spooked investors who fear it's headed toward default, with no options for a bailout or bankruptcy declaration. Here's a brief explanation of how Puerto Rico accumulated so much debt, how its territorial status complicates matters and how it could emerge from a nearly decade-long economic slump.

A TROPICAL TERRITORY WITH SNOWBALLING DEBT

Puerto Rico became part of the U.S. in 1898 and the commonwealth gained limited political autonomy when the U.S. Congress approved its constitution in 1952. But some argue that Puerto Rico's convoluted political status has hastened to its economic decline, because it receives less federal funding than U.S. states and must get congressional approval for certain actions as it tries to manage its debt. Coffee and sugar once fueled its economy, but as agriculture diminished Puerto Rico got an economic boost from federal tax incentives that lured manufacturers, especially

pharmaceutical companies, from the U.S. mainland. Congress phased out those incentives by 2006. The local economy then went into a tailspin that only worsened after the wider U.S. economy nearly collapsed in 2008. Government spending continued unchecked as borrowing covered increasing deficits. Puerto Ricans, as U.S. citizens, can move freely to the U.S. mainland, and about a third of all people born on the island now live there, leaving behind a withered tax base.

BANKRUPTCY IS NOT AN OPTION

Puerto Rico's debt has now tripled in just 15 years. But like all U.S. states and territories, it cannot declare bankruptcy under federal law; however, mainland municipalities and their public utilities can. Puerto Rico's public utilities are heavily indebted and Alejandro García Padilla's administration is pushing for their right to file for bankruptcy. The proposal has no support from Republicans in control of Congress, which must sign off. García Padilla signed a debt-restructuring law last year, but a federal judge ruled it unconstitutional after two major U.S. companies representing bondholders sued.

WHAT HAPPENS NOW?

The White House says a federal bailout is not under consideration. Commonwealth officials say serious negotiations with creditors could begin once a five-year fiscal reform plan is submitted by Aug. 30. Meanwhile, Puerto Rico's government could face lawsuits if it continues missing debt payments. The island's Public Finance Corp. already missed a \$58 million bond payment this month, its first ever. The government warns that the general fund could run out of money by November. Statehood supporters say the economic crisis shows why Puerto Rico must become the 51st U.S. state; independence proponents say it supports their cause. Economists say Puerto Rico must boost its tourism sector and modernize its infrastructure. Puerto Rican leaders say if the territory could be exempted from the Jones Act of 1920 — which mandates that only ships owned, built and operated in a U.S. state can carry cargo to and from the island — it would gain maritime jobs, reduce its debt and lower its cost of goods, especially oil.
